UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MENASHA PACKAGING COMPANY, LLC,

Plaintiff,

v.

PRATT INDUSTRIES, INC., PRATT INDUSTRIES (USA), INC., RENE CORDERO, THOMAS EVANS and STEVEN STILES,

Defendants.

Civil Action No. 17-0075

ORDER

John Michael Vazquez, U.S.D.J.

This matter comes before the Court on Plaintiff Menasha Packaging Company, LLC's ("Menasha" or "Plaintiff") motion for a preliminary injunction[1] and expedited discovery. D.E. 4. Defendants Rene Cordero, Thomas Evans and Steven Stiles (the "Individual Defendants") along with Pratt Industries, Inc. and Pratt Industries (USA), Inc. ("Pratt Defendants")[2] (collectively, "Defendants") opposed this motion. D.E. 33. The Court has reviewed the parties' submissions and held oral argument on February 6, 2017 to address Menasha's motion. For the reasons set forth on the record, and for good cause shown,

[1] This Order does not address Menasha's motion for a preliminary injunction, which will be decided separately.

[2] The Pratt Defendants filed a motion to dismiss, alleging this Court does not have personal jurisdiction over them. D.E. 32. Based on the Court's preliminary review of the issue, it appears that the Pratt Defendants have made a colorable claim regarding personal jurisdiction. As a result, this Order applies only to Menasha and the Individual Defendants. If, however, after the date of this Order, the parties agree that the correct Pratt entity has been named as a defendant in this matter, the Court will consider a request to extend this Order to that Pratt entity.

IT IS on this 7th day of February, 2017

ORDERED that the Parties may take limited discovery concerning the following areas:

(1) The Individual Defendants' communications, and any related documents or other information, with Pratt[3] regarding the Individual Defendants' prospective and actual employment with Pratt. This category shall include any information regarding Mondelez International Inc. ("Mondelez"). The time frame for this category shall be limited to April 1, 2016 to the present;

(2) Any Menasha documents or information over which the Individual Defendants have custody, possession, or control (whether actual or constructive).[4] This category shall include all documents or information that were created (partially or completely) by the Individual Defendants while they were employed by Menasha and shall also include the information contained on the external hard drives that have been referenced in the motion papers. The time frame for this category shall be limited to April 1, 2016 to the present;

(3) Any documents or information in category (2) that the Individual Defendants conveyed, shared, or communicated (whether in writing or verbally or by other means)

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[3] As noted in note 2, *supra*, the named Pratt Defendants contest personal jurisdiction. According to counsel for the Pratt Defendants, Defendant Pratt Industries is the parent of subsidiary company Pratt Corrugated Holdings, Inc. Pratt Corrugated Holdings is, in turn, the parent of subsidiary Pratt (Target Container), Inc., which runs a division named Pratt Displays. According to counsel for the Pratt Defendants, Pratt (Target Container) is the actual employer of the Individual Defendants. To be clear, the Court is not limiting discovery from the Individual Defendants to Pratt (Target Container) if the Individual Defendants have responsive information regarding another Pratt entity, whether named herein or not.

[4] If the Individual Defendants had possession, custody, or control of responsive documents or information but now claim that they no longer do, Menasha will be able to take discovery as to (1) the substance of the documents or information, (2) the current location of such documents or information, and (3) the reason that Individual Defendants no longer have possession, custody, or control.

with any person, employee, agent, or representative of Pratt. The time frame for this category shall be limited to April 1, 2016 to the present; and

(4) Documents and information concerning the Individual Defendants' agreement with the Strive Group (or related entity) concerning non-disclosure/confidentiality and/or non-solicitation. Included in this category are documents and information regarding Menasha's purchase of the assets of Strive Group in approximately January 2012.

ORDERED that on or before February 14, 2017, the parties may serve a document demand and up to ten (10) interrogatories on the opposing party. The interrogatories may not include sub-parts;

ORDERED that on or before March 7, 2017, the parties must respond to the document demand and to the interrogatories as well as produce the requested documents;

ORDERED that the parties shall have thirty (30) days from March 7, 2017 to take depositions of the following individuals:

(1) The three Individual Defendants; and

(2) Any other individual requested by either party based on a showing of good cause. To request a deposition, the moving party must file a letter on the docket demonstrating the need to depose the additional individual.[5]

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[5] The parties are free to agree among themselves as to additional depositions without the need for Court intervention. If the parties cannot agree, then they must first meet and confer in good faith before contacting the Court. The meet and confer requirement applies to any other discovery dispute that may arise.